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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,388	09/29/2005	Jorma Kullervo Romunen	P08772US00/RFH	3318
881 7590 02/16/2010 STITES & HARBISON PLLC 1199 NORTH FAIRFAX STREET SUITE 900 ALEXANDRIA, VA 22314				
EXAMINER RUTLAND WALLIS, MICHAEL				
ART UNIT 2836		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/551,388

Applicant(s)

ROMUNEN, JORMA KULLERVO

Examiner

MICHAEL RUTLAND WALLIS

Art Unit

2836

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8,9,12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8,9,12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/12/10 has been entered.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground of rejection.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first part including the signal shaping and adjustment devices must be shown or the feature canceled from the claims. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended

replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (AAPA) in view of Lesguillier et al. (U.S. Pat. No. 6,727,804) in further view of Brown et al. (U.S. Pat. No. 7,088,972)

With respect to claim 8-9 and 12 AAPA teaches a transmitter apparatus (Fig. 1), wherein the transmitter apparatus for sending a data transmission signal over power lines (see electric net) comprises signal-shaping (40) and adjustment devices and connecting devices (50) for connection to the electrical network for connection to an outlet, including a signal amplifier (20), and a connecting cable (line) between the transmitter apparatus and a connecting point (A) of the electrical power network. AAPA does not teach the transmitter for sending a data transmission signal over power lines divided into a first and second part. Lesguillier teaches the use of a transmitter (item 1) divided and separated into at least a first (Fig. 2a) and second parts (Fig. 2b) connected by a signal cable (see connecting cables in Fig. 2), said first part including at least the signal shaping and adjustment devices (items 3 and 4). Lesguillier further teaches said second part (Fig. 2b) including at least the signal amplifier (item 6) and a connecting unit (coupler) for connection to the electrical network (power line) and the connecting cable connecting said second part at least near to phase and zero rails (rails associated power line) outlet (item 22) of the electrical network; wherein the first part steers operation (via item 4) of the second part over the signal cable. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify APPA to include the teachings of Lesguillier to divide the transmitter in to first and second parts in order to produce a reliable communication system over power lines. Lesguillier however does not illustrate the structural housing and distances associated transmitter halves. Brown teaches a housing associated structure for holding transmitter halves wherein the length of the connecting cable is under 5 m (see for example end to end

distribution being less than 5m and 1m, col. 3 lines 45-55). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify APPA include a separation of under 1m and 5m as seen in order to increase the modularity and provide greater flexibility in form and function (col. 8 lines 25-40), if in fact such a distance separation is not suggested by the teachings found in Lesguillier.

Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (AAPA) in view of Lesguillier et al. (U.S. Pat. No. 6,727,804) in view of Brown et al. (U.S. Pat. No. 7,088,972) further in view of Carson et al. (U.S. Pat. No. 7,007,305) Lesguillier teaches the connection to power rail and outlet, however does not teach the connecting cable can be connected to another connection point of a network cable or 3 phase rail/outlet. Carson teaches the use of a PLC system and transmitter (50 and 60) which can be connected to 3 phase rails (col. 6 lines 10-20) at another connection point of a network cable. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify further APPA to connect to a 3 phase network or another point in a network in order to allow the communication of data in an AC environment or structure at a point other than an the outlet.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Rutland-Wallis whose telephone number is 571-

272-5921. The examiner can normally be reached on Monday-Thursday 7:30AM-6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jared Fureman can be reached on 571-272-2391. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Michael Rutland-Wallis/
Examiner, Art Unit 2836